United Nations S/AC.44/2004/(02)/55

Security Council

Distr.: General
10 November 2004
English
Original: French

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 29 October 2004 from the Permanent Mission of Monaco to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Monaco to the United Nations presents its compliments to the Chairman of the Committee and, with reference to his note of 21 June 2004, has the honour to transmit the report prepared by the Government of the Principality (see annex).

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Annex to the note verbale dated 29 October 2004 from the Permanent Mission of Monaco to the United Nations addressed to the Chairman of the Committee

The Department of Foreign Affairs of the Principality of Monaco presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the proliferation of weapons of mass destruction and has the honour to refer to his note SCA/10/04(02) of 21 June 2004 in which he requests the Principality of Monaco to submit a report on the measures taken to fulfil its obligations under resolution 1540 (2004) in respect of the proliferation of weapons of mass destruction and his note SCA/10/04(03) of 13 August 2004 concerning the preparation of national reports.

In reply, the Department of Foreign Affairs of the Principality of Monaco has the honour to inform him of the following:

Pursuant to article 1 of the Treaty of 17 July 1918 defining the relations of the Principality of Monaco with France, promulgated by a sovereign ordinance of 9 August 1919, the Government of the French Republic undertakes to protect the independence and sovereignty of the Principality of Monaco and guarantee the integrity of its territory as if this territory were part of France. Since it has no army, but only a law enforcement and police force for the purposes of domestic security, the Principality possesses no types of weapons of mass destruction, whether chemical, bacteriological or nuclear.

Thus, the approach taken under Monegasque law to the issue of weapons of mass destruction derives solely from the various international instruments to which the Principality has acceded and the effectiveness of the law in force is therefore a function of these instruments. These instruments are as follows:

On chemical weapons:

- Sovereign Ordinance No. 15,760 of 3 April 2003, giving effect to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Geneva on 3 September 1992, and its implementing Sovereign Ordinance No. 16,382 of 20 July 2004;

- Sovereign Ordinance No. 3,735 of 11 February 1967, giving effect in Monaco to the Geneva Protocol of 17 June 1925 for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare;

On bacteriological weapons:

- Sovereign Ordinance No. 14,116 of 14 August 1999, giving effect to the Convention done at London, Washington and Moscow on 10 April 1972 on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

- Sovereign Ordinance No. 13,329 of 12 February 1998, giving effect to the United Nations conventions on the prohibition or restriction of the use of certain weapons, including the Convention done at Geneva, on 10 October 1980, on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have

Indiscriminate Effects, the Protocol on Non-Detectable Fragments (Protocol I) and the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II, as amended on 3 May 1996).

On nuclear weapons:

- Sovereign Ordinance No. 11,569 of 25 April 1995, giving effect to the Treaty on the Non-Proliferation of Nuclear Weapons done at London, Moscow and Washington on 1 July 1968;

On explosives:

- Sovereign Ordinance No. 13,645 of 5 October 1998, giving effect to the International Civil Aviation Organization (ICAO) Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted at Montreal on 1 March 1991;

- Sovereign Ordinance No. 15,083 of 30 October 2001, giving effect to the International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997, and its implementing Sovereign Ordinance No. 15,088 of 30 October 2001. It should be noted that under article 2 of the implementing Sovereign Ordinance, anyone who has illegally and deliberately supplied, deployed, exploded or detonated an explosive device or other destructive device in or against a public place, a government facility or other public facility, a public transportation system or an infrastructure, in particular with the intent to cause destruction which, because of its scale, may give rise to significant economic damage, is subject to penalties of 10-20 years' imprisonment.

The Department of Foreign Affairs of the Principality of Monaco takes this opportunity to convey to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) the assurances of its highest consideration.

Monaco, 29 October 2004